REMARKS/ARGUMENTS

The Application was originally filed with claims 1-6. By prior Amendment, Applicants canceled claims 1-6, and added new claims 7-16, which were later amended. By the present Amendment, Applicants have added new claims 17-20, and have amended claims 7, 9, 11 and 12 to more clearly recite the subject matter originally included therein. No claims have been withdrawn from consideration. Applicants assert that the present claim amendments and newly added claims are fully supported by the Application, as filed, and, as such, do not introduce new matter. Accordingly, claims 7-20 are now pending in the Application.

I.   OBJECTIONS AND FORMAL MATTERS

The Examiner has objected to claims 7, 9, 11 and 12 for having several informalities unrelated to patentability. In response, Applicants have amended these claims in accordance with the Examiner's suggestions to correct any such inadvertent errors, except with regard to line 13 of claim 7. The second use of the phrase "by the user" in the clause written on lines 12-13 of claim 7 is used to indicate that the "particular application" recited is decided by the user as one of the bases for the selection of coloring algorithms made by the user. Without this second occurrence, it may be unclear what the source of the "particular application" is. With these changes and remarks in mind, Applicants believe the pending claims fully comply with the requirements of §112, second paragraph, and therefore respectfully request that the Examiner withdraw the objections.

II.   REJECTIONS UNDER 35 U.S.C. §112

The Examiner has rejected claims 7 and 12 under 35 U.S.C. §112, second paragraph, for reciting phrases that lack antecedent basis. In response, Applicants have amended claims 7 and 12 to correct any such inadvertent errors. The Examiner has also rejected claim 12 under 35

U.S.C. §112, second paragraph, for allegedly omitting essential elements. While Applicants do not necessarily agree with the Examiner's position, Applicants have amended portions of claim 12 to clarify what is believed to already have been recited. In view of the amendments to claims 7 and 12, Applicants respectfully request that the Examiner withdraw these §112 rejections.

III. REJECTIONS UNDER 35 U.S.C. §103

The Examiner has rejected claims 7-16 under 35 U.S.C. §103(a) as allegedly obvious in view of U.S. Patent No. to Yon, *et al.* in combination with U.S. Patent No. 6,342,952 to Chan. Initially, it is noted that the Examiner admits that Yon fails to teach receiving from at least one algorithm developer information regarding optimizing use of each of a plurality of coloring algorithms for substrate type, color recommendations, or colorant type. In addition, even assuming these limitations are taught by Chan, although Applicants do not necessarily agree, Applicants assert that the combination of Yon and Chan still do not teach or suggest all of the limitations of independent claims 7 and 12, and the claims depending therefrom. As a result, Applicants continue to assert arguments presented in previous Amendments, and also offer the following additional remarks.

In addition to the deficiencies previously mentioned, Yon does not teach, among other things, a server configured "to facilitate selection by the user of at least one of the plurality of coloring algorithms based on the information and on a particular application provided by the user," as recited in claims 7 and 12. At best, Yon teaches a user selecting a color, not a coloring algorithm, based on color results, typically through simply a color search of a database. (See, e.g., col. 1, lines 41-43 and lines 52-54; col. 5, lines 25-28 and lines 44-47; col. 6, lines 57-60.) As a result, the system of Yon does not permit the user to select the appropriate coloring algorithm(s). Moreover, since Yon's system is

employed simply to present possible colors to a user, there is nothing in Yon that would suggest a server facilitating a user's selection of the actual coloring algorithms rather than the colors resulting from a color recipe created from the algorithms, as is recited in the claims of the present application.

There is a clear distinction between the recipes used to create colors presented to the user as taught by Yon and the coloring algorithms of the present application, as evidenced by clarification amendments made to claims 7 and 12. Specifically, the coloring algorithms of the present claims are operable for providing color recipes or color scheme recommendations, while in contrast the colors presented to the user by Yon's system are created from individual and specific recipes. As is well known in the art, an infinite number of recipes/formulae can be employed to generate a single final color. As such, one or more of the recited coloring algorithms may be selected based on a user's predetermined application, and only then may a recipe for mixing the final color be generated by processing the algorithm(s) with color data. In contrast, Yon's system presents no collection of various algorithms. Instead, a single predetermined algorithm is used to create the color selections of Yon. Thus, Yon's system is simply not an algorithm exchange, but rather is a system for presenting possible colors to a user that have already been pre-mixed according to predetermined color recipes. These recipes are not based on algorithms that have been selected by the user.

Furthermore, Chan does not cure the deficiencies of Yon. Like Yon, Chan also fails to teach a server configured "to facilitate selection by the user of at least one of the plurality of coloring algorithms based on the information and on a particular application provided by the user." In contrast, Chan expressly teaches it is the software program in

the system that selects Chan's coloring "formulae" (which the Examiner implies are interchangeable with the coloring algorithms of the present application). (See, e.g., col. 3, lines 29-35.) However, as with the color generating recipes of Yon, there is a clear distinction between the color formulae of Chan and the coloring algorithms of the present application. Specifically, the coloring algorithms of the present claims are operable for providing color recipes or color scheme recommendations when processed with color data, while in contrast the color formulae of Chan are actually the recipes used to generate the final colors selected by the user. Like Yon, Chan's system presents no collection of various algorithms, and instead pre-selects a recipe to generate a color that is presented to the user. Thus, Chan's system is also not an algorithm exchange, but rather another system for matching and presenting pre-mixed potential colors to a user.

Moreover, since Chan's system, like Yon's, is also employed to present colors for a user's selection, rather than the user selecting the actual coloring algorithm(s), there is no suggestion in Chan for a server to facilitate a user's selection of the actual coloring algorithms rather than the resulting colors, as is recited in the presently pending claims. In view of the foregoing remarks, Applicants assert that the combination of Yon and Chan does not teach or suggest all of the limitations of the pending claims, and therefore respectfully request that the Examiner withdraw the §103 rejections.
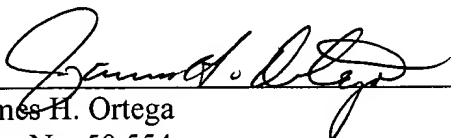
IV. CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully submit that pending claims 7-20 are in condition for allowance. Accordingly, Applicants respectfully request a Notice of Allowability for all pending claims. In addition, the Examiner is invited to contact the undersigned Attorney of Record if such would expedite the prosecution of the present

Application. Accompanying the present Amendment is an Information Disclosure Statement and the necessary filing fee. While no other fees are believed to be due with the filing of the present Amendment, if it is determined that fees are due, please charge Deposit Account No. 13-0480, referencing the Attorney Docket Number 32164689.10.

Respectfully submitted,

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James H. Ortega
Reg. No. 50,554
BAKER & McKENZIE
2300 Trammell Crow Center
2001 Ross Avenue
Dallas, TX 75201
Tel: (214) 978-3000
Fax: (214) 978-3099